

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

In re

**INCREDIBLE AUTO SALES LLC,**

Debtor.

Case No. **06-60855-11**

**O R D E R**

At Butte in said District this 12<sup>th</sup> day of March, 2007.

In this Chapter 11 bankruptcy, Debtor, through counsel, filed a “Debtor’s Motion to Continue U.S. Trustee Motion to Convert the Case Set for March 20, 2007, to Next Billings, Montana Court Setting” on March 10, 2007, wherein Debtor requests that the hearing on the U.S. Trustee’s Motion to Convert be continued from March 20, 2007, to April 24, 2007. Debtor’s counsel asserts in the Motion that he has “called the U.S. Trustee and received consent for such a requested continuance and consent to file this motion[.]” The U.S. Trustee, through counsel, filed an objection to Debtor’s Motion on March 12, 2007. In the Objection, counsel for the U.S. Trustee explains:

The UST learned from Debtor’s attorney in the afternoon of Friday, March 9, 2007, that business records of the Debtor had been removed from the Debtor’s business premises. The undersigned, earlier that day, had told Debtor’s attorney that the UST would consent to a continuance of the hearing on the UST’s Motion to Convert. After receiving the news about the missing business records, the undersigned attempted to call Debtor’s attorney that, in light of this very serious development, the UST could not consent to a continuance of the hearing. The undersigned could not reach Debtor’s attorney, but left a message on his voice mail.

It is imperative that the UST’s Motion to Convert be heard at the earliest possible time. This case should be converted to chapter 7 so that an independent trustee can be appointed.

Given the U.S. Trustee's Objection to Debtor's Motion,

IT IS ORDERED that Debtor's motion to continue the hearing presently scheduled for March 20, 2007, on the United States Trustee's Motion to Convert is DENIED.

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER  
U.S. Bankruptcy Judge  
United States Bankruptcy Court  
District of Montana